

REMARKS

Claims 1-24 are pending in this application. The Examiner has indicated that the reply filed on September 22, 2003 is not fully responsive to the prior Office Action, specifically that the obviousness rejection of independent claim 5 was not fully addressed. In the previous Office Action, dated May 29, 2003, claim 5 was rejected under 102(b) over EP 0 926 552 A1 to Haydock (“‘552”), and under 103(a) over ‘552 in view of GB 2 169 402 A to Derrick (“‘402”) further in view of U.S. 5, 935, 361 to Takahashi et al. (“‘361”). Applicants respectfully respond to the Office Communication as follows.

Claim 5 recites a method for indicating a quality problem area on a web, characterized in that a down-web starting position of the quality problem area is marked on the web by an ISO-hole. The ‘552 reference fails to teach or suggest the claim limitation of marking a down-web starting position of the quality problem area by an ISO-hole. Instead, the ‘552 reference discloses only that “it is common for the exposing equipment to create an indexing punch hole between each exposure and also between customer orders.” See page 2 lines 46-47 of the ‘552 reference. Where the ‘552 reference does discuss defects, it fails to mention any use of an ISO-hole to mark a quality problem area. See page 2 lines 41-42 of the ‘552 reference (“[a]ssignment of defective locations within a web is provided using linear measurements. These measurements provide an approximate location for a manual inspection in a separate operation.”). In fact, the ‘552 reference teaches away from the use of punch holes, insofar as they are thought to be a source of problems:

it is not uncommon for difficulties to arise during the handling and indexing of web materials, such as missed punch holes.

Paragraph 0009 at lines 50-51.

There is a further need to provide a cleaner environment for imaging equipment, particularly photographic printers in order to reduce the generation of paper dust and other related dirt resulting from the index hole punching operations currently in use.

Paragraph 0010 at lines 56-58.

Neither the '402 reference nor the '361 patent, whether taken alone or in combination, cure the deficiencies of the '552 reference. As an initial matter, the '402 reference is not analogous art. The field of endeavor of the invention is photographic paper, whereas the '402 reference is concerned with detecting tears in a conveyor belt, an entirely different material with entirely different apparatus for handling. Tears in a conveyor belt, which are identified in the '402 reference as failures in the interleaved loops fastened to the ends of belt sections and held together by a wire passing through the loops, are so unrelated to the quality problems associated with photographic paper, which exists as a continuous web and is not comprised of sections held together by interleaved loops, that it cannot be said to be reasonably pertinent to the particular problem with which the applicant was concerned. As such, the '402 reference cannot be successfully combined with the '552 reference. See MPEP 2141.01(a).

Even were the '402 reference considered to be analogous art, it fails to cure the deficiencies of the '552 reference with respect to claim 5. The '402 reference teaches the use of light emitters and receivers positioned such that, absent a tear, light is occluded from the receiver. See page 1, lines 35-45 and lines 73-85, describing the aspects of the invention. The recognition marker 8 of the '402 reference cannot serve as the ISO-hole

of claim 5. First, the '402 reference neither teaches nor suggests that the recognition marker is a hole. The only reference marker expressly identified is a metallic disk which can be detected using an inductive sensor. Page 1, lines 54-63. Also, the recognition marker is not used to mark the starting position of a quality problem area as required by claim 5. Instead the recognition marker of the '402 reference is simply used to identify a single starting position on the conveyor belt such that the speed of the belt, in combination with the time elapsed between the passing of the recognition marker and the detection of the tear, can be used to calculate the position of the tear relative to the position of the recognition marker. See page 2, lines 24-34. As such, the '402 reference, in combination with the '552 reference, fails to teach or suggest each and every claim limitation of claim 5.

The '361 patent fails to cure the deficiencies of the '552 reference. The '361 patent discloses a web splicing preparation method and apparatus. See title, abstract, field of the invention at col. 1, lines 6-12. The use of ISO holes in this reference is merely to indicate the position of the splice. See col. 1, lines 58-61 and col. 9, lines 21-33. Nowhere does the '361 reference teach or suggest indicating a quality problem area on a web by marking the down-web starting position of such with an ISO hole. Further, one of skill in the art would not be led to modify the teachings of the '552 patent to include the use of an ISO-hole insofar as the '552 patent itself distinguishes its invention from the use of such holes.

Accordingly, applicants respectfully request reconsideration and withdrawal of the 103(a) rejection of claim 5 over EP 0 926 552 A1 to Haydock ("552") in view of GB

2 169 402 A to Derrick ("402") further in view of U.S. 5, 935, 361 to Takahashi et al. ("361").

Although no fee is due, the Commissioner is authorized to apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

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Dated:


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